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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Application of:  
William D. Morgan

Serial No.: 08/828,330

Filed: March 28, 1997

For: INSULATED REMOVABLE POND  
COVER

Group Art Unit: 3600

Examiner: Robert J. Canfield

Atty. Dkt. No.: IAEC:007USR1/MTG

**37 C.F.R. § 1.132 DECLARATION OF MICHAEL A. MORGAN**

I, Michael A. Morgan, declare as follows:

1. I am a founder and principle owner of Industrial & Environmental Concepts (IEC), and have been for 14 years. IEC is the owner of the present patent application. One of my main responsibilities during this period has been the design, from concept to installation, of floating covers systems for water treatment lagoons and tanks. Prior to founding IEC, I was employed with a geomembrane manufacturer. In total, I have 15 years of experience designing and building cover systems for wastewater-filled ponds. I received a BS in Civil & Environmental Engineering from the University of Wisconsin in 1989.
2. I have reviewed and understand U.S. Patent No. 4,590,714 to Walker.
3. Walker discloses a tarpaulin that includes a highly resilient fibrous glass fiber batt sandwiched between and stitched to two pieces of high density polyethylene material. The fibrous batt is an insulation layer, and Walker explains that it is stitched to the two outer membranes so that it does not shift between them and leave uninsulated portions.
4. Walker's insulation—the fibrous batt—is an open cell foam that can be compressed for storage. The top membrane includes a vent so that air can escape when the tarp is compressed

and so that air can enter the tarp when the compressive force is removed and the insulation expands.

5. Walker's tarp would take on wastewater if it were placed over wastewater because the membranes are stitched together and not sealed. Once wastewater got through the stitching gaps, it would get into and begin to fill the open spaces of the insulation. As a result, the tarp would no longer be as effective an insulator. It would also become heavier and more difficult to move. These are reasons why people in the business of covering wastewater do not and would not use Walker's tarps to cover wastewater.

6. All statements made of my own knowledge are true and all statements made on information are believed to be true, and statements in this document were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code.

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8/17/08  
Date

  
Michael A. Morgan